



March 1, 2012

Dave Navecky  
Surface Transportation Board  
Department of Transportation  
United States of America  
395 E Street SW  
Washington, D.C. 20423-0001

RE: *Docket Number FD 35554*

Mr. Navecky:

This correspondence is a written response to your February 3 2012 letter requesting City of Eagle Pass comment on the Eagle Pass Railroad LLC (EPRR) proposal to construct and operate a new railroad line for the transport of coal in Maverick County, Texas. A copy of your letter is enclosed as Attachment 1.

We have reviewed the proposal and offer the following comments:

Regulatory Requirements

- The preferred alternative route and the four alternate routes are located within the *City of Eagle Pass Extra Territorial Jurisdiction (ETJ)*. A copy of a map indicating the *ETJ* boundary is enclosed as Attachment 2.
- The project will be subject to *City of Eagle Pass Code of Ordinances Chapter 23* governing land subdivision if it involves the subdivision and conveyance of property. The subdivision process will include a review of the project's conformance with *City of Eagle Pass Code of Ordinances Chapter 13½* governing floodplain management. *Chapter 13½* is available for review on the City's website.
- EPRR may be required to obtain a license or permit for activities within the International Boundary and Water Commission (IBWB) right-of-way or floodway.
- Several of the proposed routes alternative routes are located within the *ETJ*. As a result, some of these areas may be subject to annexation in the near future by the City of Eagle Pass.
- *Chapter 29* of *City of Eagle Pass Code of Ordinances* governs railroad construction and operation and may be applicable to the EPRR proposal. *Chapter 29* is available for review on the City's website

### Environmental Impact

- *Public health and safety.* Noise and air quality impacts resulting from the transport of coal through farm areas and near high-density urban areas should be analyzed as part of the environmental review for the project. It appears that several routes go through existing platted subdivisions, which would be adversely impacted by the construction and operation of a new rail line. The environmental review for the project should examine these impacts.
- *Natural resources and unique geographic characteristics.* The proposed routes for the rail line cross areas containing Texas and Mexican cultural resources, park, refuge lands and wilderness areas, the scenic Rio Grande River, farmlands, floodplains, and migratory birds zones. Each of the proposed routes crosses or impacts creeks, rivers, or streams that are within the watershed that provides the City of Eagle Pass with our sole source of drinking water. Moreover, each of the proposed routes is within the Federal Emergency Management Agency (FEMA) mapped 100-year floodplain and subject to flood events. The environmental review for the project should examine these impacts.
- *Controversial environmental effects that may involve unresolved conflicts concerning alternative uses of available resources.* The project is part of a natural resource extraction operation and, as such, the environmental review should include a cost-to-benefit analysis that examines the use of this resource in relation to other methods of natural resource use.
- *Highly uncertain and potentially significant environmental impacts and unique or unknown environmental risk impacts.* The rail transportation of coal may create significant adverse impacts to public health, including those involving air, noise, and water. The environmental review for the project should examine these impacts, including those from the potential full-capacity use of the rail line.
- *Precedent for future action impact or represent a decision in principle about actions with potentially significant environmental impacts.* The construction of a new rail line may result in increased use of the rail line that is unforeseen at this time. This potential increase in the intensity of impacts from the rail line should be analyzed in the project's environmental review.
- *Direct relationship to other actions with individually insignificant but cumulatively significant environmental impact.* A review of the complete scope of the project, including coal mining activities in the United States and coal processing activities in Mexico, is essential to determine this project's impact on the environment.
- *Species habitat impact.* The Rio Grande River watershed contains numerous streams and arroyos, and is home to a wide variety of species. Adverse impacts to the water and air resources utilized by these species should be examined as part of the environmental review of the project.



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- *Low-income and minority population impact.* A significant percentage of Maverick County and City of Eagle Pass residents are low-income and minority. An environmental justice review is warranted to insure that these populations are not significantly impacted and, if so, that appropriate mitigation measures are provided as part of the project.

As a result of the aforementioned findings, the City of Eagle Pass would recommend that an *Environmental Impact Statement* (EIS) be prepared for the proposal. The *EIS* will afford the Surface Transportation Board, the public, and affected agencies to comprehensively assess environmental impacts from the project and either insure that mitigation measures are prepared to address the identified impacts or acknowledge that there may be impact(s) that cannot be mitigated.

Further, the City also recommends and requests that the proposal to construct and operate this new railroad line be made subject to final approval (or denial) of the Dos Republicas Coal Partnership, Permit No. 42A, Eagle Pass Mine, Renewal, Revision/Expansion Application. Therefore, the City asks that a decision on this proposal be deferred until the final determination of the coal mine permitting is known.

We wish to state our appreciation for the work performed by the Surface Transportation Board in administering a safe and efficient transportation system in the State of Texas and throughout the United States of America.

Please contact us at (830) 773-7781 if you have any questions concerning these comments Thank you.

Sincerely,



Daniel Valenzuela  
City Manager

Attachments

xc:     **Honorable Francisco "Quico" Canseco, U.S. Congressman**  
         **Honorable Kay Bailey Hutchinson, U.S. Senator**  
         **Honorable John Cornyn, U.S. Senator**  
         **Honorable Carlos Uresti, State Senator**  
         **Honorable Tracy O. King, State Representative**  
         **Honorable Rick Perry, Governor of Texas**  
         **Honorable Hope Andrade, Texas Secretary of State**  
         **Honorable David Saucedo, Maverick County Judge**  
         **Honorable Elias Maldonado, Maverick County Commissioner, Pct. 1**  
         **Honorable Rodolfo "Rudy" Heredia, Maverick County Commissioner, Pct. 2**  
         **Honorable Jose Luis Rosales, Maverick County Commissioner, Pct. 3**  
         **Honorable Cesar Flores, Maverick County Commissioner, Pct. 4**